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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/663,933	NAJORK, MARC A.
	Examiner	Art Unit	
	Tomasz Ponikiewski	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 February 2008</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-15,19-24 and 33-40</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-15, 19-24 and 33-40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Remarks

1.   Applicant's response filed on 02/25/2008 is acknowledged. The response

overcomes 112 rejection issues.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-14, 19-24 and 33-40 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Dutta (US 2002/0078045 A1) in view of Rickard (US 2004/0034633

A1) and further in view of Ford et al. (US 6,963,867 B2).

As per claim 1 Dutta is directed to a method for assigning a score to a document

of a plurality of structurally linked documents in order to improve the accuracy of a

ranking of said documents in a computing environment comprising:

locating said document on a Web server defined by at least one of: (A) a server

comprising a plurality of Web pages with the same symbolic host name (Dutta, figure 2,

number 42, wherein each information content server could have same symbolic host

name), (B) a server comprising a plurality of Web pages associated with the same

domain (Dutta, figure 2, number 42, wherein each information content server is a

domain), and (C) a server having a plurality of Web pages associated with the same IP address (not covered since the claim offers a choice of servers) and said document has at least one backlink from at least one other document of said plurality of structurally linked documents, (Dutta, page 2, paragraph 0010, lines 9-10):

storing the score in memory (Dutta, page 5, paragraph 0035).

Dutta does not teach assigning said score to said document in inverse proportion to the number of documents located on said Web server resulting in said score being assigned to said document by being distributed among said number of documents, including said document, whereby when said number of documents increases said score assigned to said document decreases and when said number of documents decreases said score assigned to said document increases.

Rickard teaches assigning said score to said document in inverse proportion to the number of documents located on said Web server resulting in said score being assigned to said document by being distributed among said number of documents, including said document, whereby when said number of documents increases said score assigned to said document decreases and when said number of documents decreases said score assigned to said document increases (Rickard, paragraph 0067, lines 1-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Dutta by teachings of Rickard to include assigning said score to said document in inverse proportion to the number of documents located on said Web server resulting in said score being assigned to said document by being

distributed among said number of documents, including said document, whereby when

said number of documents increases said score assigned to said document decreases

and when said number of documents decreases said score assigned to said document

increases because assigning score based on inverse proportion gives a better measure

of the importance of a document.

Dutta does not teach number of documents located on web server.

Ford et al. teaches number of documents located on web server (Ford et al.,

abstract).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the Dutta by teachings of Ford et al. to include number

of documents located on web server because in order to calculate score based on the

number of other documents, the number of documents have to be determined.

As per claim 2 Dutta as modified is directed to assigning the score to the

document in proportion to the number of said at least one other document (Dutta, page

8, paragraph 0047, lines 27-28, wherein "number of documents" could mean "weight

value").

As per claim 3 Dutta as modified is directed to assigning the score in proportion

to at least one score assigned to at least one of said at least one other document

(Dutta, page 2, paragraph 0013, lines 7-9).

As per claim 4 <u>Dutta</u> as modified is directed to assigning the score in proportion to (A) the number of said at least one other document and (B) at least one score assigned to at least one of said at least one other document (<u>Dutta</u>, page 2, paragraph 0013, lines 7-9; <u>Rickard</u>, paragraph 0067, lines 1-12; <u>Ford et al.</u>, abstract).

As per claim 5 <u>Dutta</u> as modified is directed to assigning the score to the document in inverse proportion to the number of outlinks of at least one of said at least one other document (<u>Dutta</u>, page 2, paragraph 0010, lines 8-10).

As per claim 6 <u>Dutta</u> as modified is directed to said assigning includes assigning the score to the document in inverse proportion to the number of documents located on the same domain as said document (<u>Dutta</u>, figure 2, number 42, wherein each information content server is a domain; <u>Rickard</u>, paragraph 0067, lines 1-12; <u>Ford et al.</u>, abstract).

As per claim 7 <u>Dutta</u> as modified is directed to said assigning includes assigning the score to the document in inverse proportion to the number of documents having the same symbolic host name as said document (<u>Dutta</u>, figure 2, number 42, wherein each information content server could have same symbolic host name; <u>Rickard</u>, paragraph 0067, lines 1-12; <u>Ford et al.</u>, abstract).

As per claim 8 <u>Dutta</u> as modified is directed to said assigning includes assigning
the score to the document in inverse proportion to the number of documents associated
with the same internet protocol (IP) address as said document (not covered since claim
1 offers a choice of servers).

As per claim 9 <u>Dutta</u> as modified is directed to assigning the score to the
document based upon summing the scores of the at least one other document linking to
said first document (<u>Dutta</u>, page 9, paragraph 0055, lines 29-33, <u>Rickard</u>, paragraph
0067, lines 1-12; <u>Ford et al.</u>, abstract).

As per claim 10 <u>Dutta</u> as modified is directed to the plurality of structurally linked
documents are Web pages having hyperlinks and the document is a Web page (<u>Dutta</u>,
page 2, paragraph 0010, lines 8-10).

As per claim 11 <u>Dutta</u> as modified is directed to including outputting the score of
the document to a component of a Web search service (<u>Dutta</u>, page 10, paragraph
0056, lines 15-16).

As per claim 12 <u>Dutta</u> as modified is directed to including assigning a preferred
set of documents scores higher than an average minimum score (<u>Dutta</u>, page 9,
paragraph 0055, lines 3-9).

As per claim 13 <u>Dutta</u> as modified is directed to the set of preferred documents is based on at least one of Nielsen ratings, ratings assigned by humans, Web page usage patterns extracted from ISP proxy logs, Web page usage patterns extracted from a search engine and documents specified according to a user preference (<u>Dutta</u>, page 9, paragraph 0055, lines 6-9).

As per claim 14 <u>Dutta</u> as modified is directed to including altering the score of the document based upon an additional scoring technique to said assigning the score (<u>Dutta</u>, page 9, paragraph 0055, lines 1-39; page 9, paragraph 0055, lines 17-22).

As per claim 19 <u>Dutta</u> is directed to a method for assigning a score to a document of a plurality of structurally linked documents in order to improve the accuracy of a ranking of said documents in a computing environment comprising:

locating said document on a Web server defined by at least one of: (A) a server comprising a plurality of Web pages with the same symbolic host name (<u>Dutta</u>, figure 2, number 42, wherein each information content server could have same symbolic host name), (B) a server comprising a plurality of Web pages associated with the same domain (<u>Dutta</u>, figure 2, number 42, wherein each information content server is a domain), and (C) a server having a plurality of Web pages associated with the same IP address (not covered since the claim offers a choice of servers) and the document has at least one backlink from at least one source document of the plurality of structurally linked documents (<u>Dutta</u>, page 2, paragraph 0010, lines 9-10) comprising:

storing the score in memory(<u>Dutta</u>, page 5, paragraph 0035).

<u>Dutta</u> does not teach calculating the score of the document in proportion to at least one score associated with at least one of the at least one source document located on said web server resulting in said score being assigned to said document by being distributed among said number of documents, including said document, whereby when said number of documents increases said score assigned to said document decreases and when said number of documents decreases said score assigned to said document increases.

<u>Rickard</u> does teach calculating the score of the document in proportion to at least one score associated with at least one of the at least one source document located on said web server resulting in said score being assigned to said document by being distributed among said number of documents, including said document, whereby when said number of documents increases said score assigned to said document decreases and when said number of documents decreases said score assigned to said document increases (<u>Rickard</u>, paragraph 0067, lines 1-12),

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the <u>Dutta</u> by teachings of <u>Rickard</u> to include calculating the score of the document in proportion to at least one score associated with at least one of the at least one source document located on said web server resulting in said score being assigned to said document by being distributed among said number of documents, including said document, whereby when said number of documents increases said score assigned to said document decreases and when said number of

documents decreases said score assigned to said document increases because
calculating score based on inverse proportion gives a better measure of the importance
of a document.

     Dutta does not teach at least one source document.

     Ford et al. teaches at least one source document (Ford et al., abstract).

     It would have been obvious to one of ordinary skill in the art at the time the
invention was made to combine the Dutta by teachings of Ford et al. to include at least
one source document because in order to calculate score based on the number of other
documents, the number of documents have to be determined.

     As per claim 20 Dutta is directed to the score is calculated inversely proportional
to the number of said at least one source document located on the same Web server
(Rickard, paragraph 0067, lines 1-12; Ford et al., abstract).

     As per claim 21 Dutta is directed to the score is calculated inversely proportional
to the number of said at least one source document having the same symbolic host
name (Dutta, figure 2, number 42, wherein each information content server could have
same symbolic host name; Rickard, paragraph 0067, lines 1-12; Ford et al., abstract).

     As per claim 22 Dutta is directed to the score is calculated inversely proportional
to the number of said at least one source document associated with the same domain

(Dutta, figure 2, number 42, wherein each information content server is a domain;

Rickard, paragraph 0067, lines 1-12; Ford et al., abstract).

As per claim 23 Dutta is directed to the score is calculated inversely proportional

to the number of said at least one source document associated with the same internet

protocol (IP) address (not covered since claim 19 offers a choice of servers).

As per claim 24 Dutta is directed to the plurality of structurally linked documents

are Web pages having hyperlinks and the document is a Web page (Dutta, page 2,

paragraph 0010, lines 8-10).

As per claim 33 Dutta is directed to a computer readable medium comprising

computer executable modules comprising computer executable instructions for

assigning a score to a document (Dutta, page 4, paragraph 0034, lines 11-13; page 5,

paragraph 0034, line 1) of a plurality of structurally linked documents to prevent

document ranking manipulation, wherein the document is located on a Web server and

has at least one backlink from at least one other document of the plurality of structurally

linked documents, the modules comprising (Dutta, page 2, paragraph 0010, lines 9-10):

means for locating said document on a Web server defined by at least one of: (A)

a server comprising a plurality of Web pages with the same symbolic host name (Dutta,

figure 2, number 42, wherein each information content server could have same

symbolic host name), (B) a server comprising a plurality of Web pages associated with

the same domain (<u>Dutta</u>, figure 2, number 42, wherein each information content server

is a domain), and (C) a server having a plurality of Web pages associated with the same

IP address (not covered since the claim offers a choice of servers) and said document

has at least one backlink from at least one other document of said plurality of

structurally linked documents, (<u>Dutta</u>, page 2, paragraph 0010, lines 9-10):

     means for storing the score in memory (<u>Dutta</u>, page 5, paragraph 0035).

     <u>Dutta</u> does not teach means for assigning said score to said document in inverse

proportion to the number of documents located on said Web server resulting in said

score being assigned to said document by being distributed among said number of

documents, including said document, whereby when said number of documents

increases said score assigned to said document decreases and when said number of

documents decreases said score assigned to said document increases.

     <u>Rickard</u> teaches means for assigning said score to said document in inverse

proportion to the number of documents located on said Web server resulting in said

score being assigned to said document by being distributed among said number of

documents, including said document, whereby when said number of documents

increases said score assigned to said document decreases and when said number of

documents decreases said score assigned to said document increases (<u>Rickard,</u>

paragraph 0067, lines 1-12).

     It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the <u>Dutta</u> by teachings of <u>Rickard</u> to include a teaches

means for assigning said score to said document in inverse proportion to the number of

documents located on said Web server resulting in said score being assigned to said

document by being distributed among said number of documents, including said

document, whereby when said number of documents increases said score assigned to

said document decreases and when said number of documents decreases said score

assigned to said document increases because assigning score based on inverse

proportion gives a better measure of the importance of a document.

Dutta does not teach number of documents located on web server.

Ford et al. teaches number of documents located on web server (Ford et al.,

abstract).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the Dutta by teachings of Ford et al. to include number

of documents located on web server because in order to calculate score based on the

number of other documents, the number of documents have to be determined.

As per claim 34 Dutta as modified is directed to means for assigning the score to

the document in proportion to the number of said at least one other document (Rickard,

paragraph 0067, lines 1-12; Ford et al., abstract).

As per claim 35 Dutta as modified is directed to means for assigning the score in

proportion to at least one score assigned to at least one of said at least one other

document (Dutta, page 2, paragraph 0013, lines 7-9; Rickard, paragraph 0067, lines 1-

12; Ford et al., abstract).

As per claim 36 <u>Dutta</u> as modified is directed to means for assigning the score in proportion to (A) the number of said at least one other document and (B) at least one score assigned to at least one of said at least one other document (<u>Dutta</u>, page 2, paragraph 0013, lines 7-9; page 8, <u>Rickard</u>, paragraph 0067, lines 1-12; <u>Ford et al.</u>, abstract).

As per claim 37 <u>Dutta</u> as modified is directed to means for assigning the score to the document in inverse proportion to the number of outlinks of at least one of said at least one other document (<u>Dutta</u>, page 2, paragraph 0010, lines 8-10).

As per claim 38 <u>Dutta</u> as modified is directed to means for assigning includes means for assigning the score to the document in inverse proportion to the number of documents located on a Web server with the same symbolic host name as said document name (<u>Dutta</u>, figure 2, number 42, wherein each information content server could have same symbolic host name; <u>Rickard</u>, paragraph 0067, lines 1-12; <u>Ford et al.</u>, abstract).

As per claim 39 <u>Dutta</u> as modified is directed to means for assigning includes means for assigning the score to the document in inverse proportion to the number of documents located on the same domain as said document (<u>Dutta</u>, figure 2, number 42,

wherein each information content server is a domain; Rickard, paragraph 0067, lines 1-12; Ford et al., abstract).

As per claim 40 Dutta as modified is directed to means for assigning includes means for assigning the score to the document in inverse proportion to the number of documents associated with the same internet protocol (IP) address as said document (Dutta, figure 2, number 42, wherein each information content server is a domain; Rickard, paragraph 0067, lines 1-12; Ford et al., abstract).

4.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta (US 2002/0078045 A1) view of Rickard (US 2004/0034633 A1) and further in view of Ford et al. (US 6,963,867 B2) and even further in view of Guerber (US 2,935,732).

As per claim 15 Dutta as modified still does not teach comparing the score against said additional scoring technique to discover anomalous results.

Guerber does teach comparing the score against said additional scoring technique to discover anomalous results (Guerber, column 7, lines 20-23, wherein if no equality exists then no appropriate signal is sent).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Dutta as modified with teachings of Guerber to include comparing the score against a second scoring technique to discover anomalous

results because the result of such comparison proves that the scoring was done

appropriately (<u>Guerber</u>, column 7, lines 26-27).

Response to Arguments

5.   Applicant's arguments with respect to claims 1-15, 19-24 and 33-40 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tomasz Ponikiewski whose telephone number is (571) 272-1721. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on (571)272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. P./
Examiner, Art Unit 2165

/K. L./
Examiner, Art Unit 2167

/Christian P. Chace/
Supervisory Patent Examiner, Art Unit 2165